



Clutha District Council

POLICY

PROTECTED DISCLOSURE POLICY		ACTIVITY GROUP:	CORPORATE SERVICES
Policy Type:	Council		
Approved by:	Council		
Department:	Corporate Services Chief Executive Department		
Date Approved:	16.2.2023	Next Review Date:	16.2.2026
Relevant Legislation:	Protected Disclosure (Protection of Whistle-blowers) Act 2022		
Clutha District Council Related Documents:	Sensitive Expenditure Policy and related Procedures. Employee Code of Conduct Councillor Code of Conduct		

PURPOSE

This policy updates the current Protected Disclosure Policy. The update responds to new legislation - the *Protected Disclosures (Protection of Whistleblowers) Act 2022*. This continues the previous Act's purpose (Protected Disclosure Act 2000) which is to facilitate the disclosure and investigation of serious wrongdoing in the workplace, and to provide protection for employees and other workers who report concerns.

SCOPE

This policy applies to Council and disclosers (refer definitions), including Elected Members and employees of the Council.

The policy is supported by a Council Procedure.

DEFINITIONS

Discloser A discloser in relation to an organisation, means an individual who is (or was formerly-

- (a) an employee;
- (b) a homeworker within the meaning given in section 5 of the *Employment Relations Act 2000*;
- (c) a secondee to the organisation;
- (d) engaged or contracted under a contract for services to do work for the organisation;

(e) concerned in the management of the organisation (including, for example, a person who is or was a member of the board or governing body of the organisation such as an Elected Member of Council); and
(f) a volunteer working for the organisation without reward or expectation of reward for that work.

Protected Disclosure Protected Disclosure means a disclosure of information is protected if the discloser—
(a) believes on reasonable grounds that there is, or has been, serious wrongdoing in or by the discloser’s organisation; and
(b) discloses information about that in accordance with *Protected Disclosures (Protection of Whistleblowers) Act 2022*; and
(c) does not disclose it in bad faith.

Serious Wrongdoing Serious wrongdoing includes any act, omission, or course of conduct in (or by) any organisation that is one or more of the following:
(a) an offence;
(b) a serious risk to—
(i) public health; or
(ii) public safety; or
(iii) the health or safety of any individual; or
(iv) the environment;
(c) a serious risk to the maintenance of law, including:
(i) the prevention, investigation, and detection of offences; or
(ii) the right to a fair trial;
(d) an unlawful, corrupt, or irregular use of public funds or public resources;
(e) oppressive, unlawfully discriminatory, or grossly negligent, or that is gross mismanagement, and is done (or is done by omission) by—
(i) an employee (if the organisation is a public sector organisation);
(ii) a person performing (or purporting to perform) a function or duty or exercising (or purporting to exercise) a power on behalf of a public sector organisation or the Government.

Council Means Clutha District Council.

Employees Means a person employed by the Clutha District Council.

Elected Members Means Mayor, Councillors, and Community Board Members of the Clutha District Council.

POLICY

A discloser may make a protected disclosure to Council or to an appropriate authority at any time.

The policy is supported by a Protected Disclosure Procedure that describes the protections available under the Act and sets out a process for:

- a discloser to make a protected disclosure;
- Council to follow, as the receiver of a protected disclosure; and

- identifying who a protected disclosure may be made to in the organisation as well as alternative approved authorities authorised to receive protected disclosures other than Council.

The procedure also provides practical assistance and advice to disclosers.

1. Version Control

Version History			
Date:	Action:	Name:	Version:
1 July 2007	Policy on Protected Disclosures 2007 created (included procedures)	Council	1
1 July 2018	Policy on Protected Disclosures 2018 created (included procedures)	Council	2
2 February 2023	Protected Disclosures Policy 2023 submitted to Risk & Assurance Committee. Note: Former policy split into separate policy and procedures document.	Risk & Assurance Committee	3
16 February 2023	Protected Disclosures Policy 2023 approved by Council.	Council	4
16 February 2022	Policy and Procedures 2018 retired.	Council	NA